

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|                                                                                                                                  |                                                                                     |                                                                         |                  |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------|
| Applicant's or agent's file reference<br>2003123 PC                                                                              | <b>FOR FURTHER ACTION</b>                                                           |                                                                         | See item 4 below |
| International application No.<br>PCT/EP2005/000440                                                                               | International filing date ( <i>day/month/year</i> )<br>18 January 2005 (18.01.2005) | Priority date ( <i>day/month/year</i> )<br>21 January 2004 (21.01.2004) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |                                                                                     |                                                                         |                  |
| Applicant<br>DORMA GMBH + CO. KG                                                                                                 |                                                                                     |                                                                         |                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                 |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|----------|--------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------|--------------------------------------|--------------------------------------------------|---------------------------------------|-------------------------------------------------------|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                 |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> Box No. I                                                                                                                   | Basis of the report | <input type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input checked="" type="checkbox"/> Box No. VI | Certain documents cited | <input type="checkbox"/> Box No. VII | Certain defects in the international application | <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Basis of the report                                                                                                                                             |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input type="checkbox"/> Box No. II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Priority                                                                                                                                                        |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input type="checkbox"/> Box No. III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input type="checkbox"/> Box No. IV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Lack of unity of invention                                                                                                                                      |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input checked="" type="checkbox"/> Box No. V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input checked="" type="checkbox"/> Box No. VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Certain documents cited                                                                                                                                         |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input type="checkbox"/> Box No. VII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Certain defects in the international application                                                                                                                |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |
| <input type="checkbox"/> Box No. VIII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Certain observations on the international application                                                                                                           |                     |                                     |          |                                      |                                                                                                  |                                     |                            |                                               |                                                                                                                                                                 |                                                |                         |                                      |                                                  |                                       |                                                       |

|                                                                                                                                              |  |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The International Bureau of WIPO<br/>34, chemin des Colombettes<br/>1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p> |  | <p>Date of issuance of this report<br/>03 October 2006 (03.10.2006)</p> <p>Authorized officer<br/><br/>Agnes Wittmann-Regis</p> <p>e-mail: pt06@wipo.int</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

# PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

**2003123 PC**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/EP2005/000440**

International filing date (day/month/year)

**18.01.2005**

Priority date (day/month/year)

**21.01.2004**

International Patent Classification (IPC) or both national classification and IPC

**E05F3/22**

Applicant

**DORMA GMBH + CO. KG**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/000440

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

|                               |        |                      |     |
|-------------------------------|--------|----------------------|-----|
| Novelty (N)                   | Claims | <u>5, 6, 8</u>       | YES |
|                               | Claims | <u>1-4, 7, 9, 10</u> | NO  |
| Inventive step (IS)           | Claims | <u>5, 6, 8</u>       | YES |
|                               | Claims | <u>1-4, 7, 9, 10</u> | NO  |
| Industrial applicability (IA) | Claims | <u>1-10</u>          | YES |
|                               | Claims | <u></u>              | NO  |

**2. Citations and explanations:**

1 Reference is made to the following documents:  
D1: US 6 199 321 B1 (GINZEL LOTHAR) 13 March 2001,  
D2: US 6 446 394 B1 (DORMA GMBH) 10 September 2002,  
D3: DE 100 23 761 A (GEZE GMBH) 22 November 2001,  
D4: US 2 920 338 A (FALK HAROLD W) 12 January 1960.

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). The reason is that document D1 discloses all the features of claim 1, i.e. (see column 4, lines 11-26; the references between parentheses apply to this document): an end cover (2) having convex end (11) and side (1) walls and a top wall designed to be flat and having a fixing unit (13, 14).

2.2 It should be noted that the end covers that are known from D2, D3 and D4 also have all the features of claim 1.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

3 DEPENDENT CLAIMS 2-4, 7, 9-10

Claims 2-4, 7 and 9-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step because these features are already known from the prior art.

See, e.g., the plug connection (124) in D2, figure 1; D3, column 1, lines 12-13 and D4, figure 2.

4 DEPENDENT CLAIMS 5, 6, 8:

The combinations of features contained in dependent claims 5, 6 and 8 are neither known from the available prior art nor obvious from it.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.  
Patent No.

Publication date  
(day/month/year)

Filing date  
(day/month/year)

Priority date (valid claim)  
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)

Date of written disclosure  
referring to non-written disclosure  
(day/month/year)

See form 210

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INTERNATIONAL SEARCHING AUTHORITY

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See paragraph 2 below

International application No.

**PCT/EP2005/000440**

International filing date (day/month/year)

**18.01.2005**

Priority date (day/month/year)

**21.01.2004**

International Patent Classification (IPC) or both national classification and IPC

**E05F3/22**

Applicant

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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
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2. **FURTHER ACTION**

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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/000440

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                             |                      |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|
| <b>Box No. V</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b> |                      |     |
| <b>1. Statement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                             |                      |     |
| Novelty (N)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Claims                                                                                                                                                                      | <u>5, 6, 8</u>       | YES |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Claims                                                                                                                                                                      | <u>1-4, 7, 9, 10</u> | NO  |
| Inventive step (IS)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Claims                                                                                                                                                                      | <u>5, 6, 8</u>       | YES |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Claims                                                                                                                                                                      | <u>1-4, 7, 9, 10</u> | NO  |
| Industrial applicability (IA)                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Claims                                                                                                                                                                      | <u>1-10</u>          | YES |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Claims                                                                                                                                                                      | <u></u>              | NO  |
| <b>2. Citations and explanations:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                             |                      |     |
| <p>1 Reference is made to the following documents:</p> <p>D1: US 6 199 321 B1 (GINZEL LOTHAR) 13 March 2001,<br/> D2: US 6 446 394 B1 (DORMA GMBH) 10 September 2002,<br/> D3: DE 100 23 761 A (GEZE GMBH) 22 November 2001,<br/> D4: US 2 920 338 A (FALK HAROLD W) 12 January 1960.</p>                                                                                                                                                                                              |                                                                                                                                                                             |                      |     |
| <p>2 INDEPENDENT CLAIM 1</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                             |                      |     |
| <p>2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). The reason is that document D1 discloses all the features of claim 1, i.e. (see column 4, lines 11-26; the references between parentheses apply to this document): an end cover (2) having convex end (11) and side (1) walls and a top wall designed to be flat and having a fixing unit (13, 14).</p> |                                                                                                                                                                             |                      |     |
| <p>2.2 It should be noted that the end covers that are known from D2, D3 and D4 also have all the features of claim 1.</p>                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                             |                      |     |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

3 DEPENDENT CLAIMS 2-4, 7, 9-10

Claims 2-4, 7 and 9-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step because these features are already known from the prior art.

See, e.g., the plug connection (124) in D2, figure 1; D3, column 1, lines 12-13 and D4, figure 2.

4 DEPENDENT CLAIMS 5, 6, 8:

The combinations of features contained in dependent claims 5, 6 and 8 are neither known from the available prior art nor obvious from it.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000440

Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.  
Patent No.

Publication date  
(day/month/year)

Filing date  
(day/month/year)

Priority date (valid claim)  
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)

Date of written disclosure  
referring to non-written disclosure  
(day/month/year)

See form 210